

REMARKS

Claims 1, 3, 4, 8-11, 21-25, 27-32 are pending. Claims 2, 5, 6, 7, 12-20, and 26 have been canceled. The written description fully supports the current amendments. The current amendments add no new matter. For example, page 11 of the specification provides: “[a]s shown is FIG. 6, string monofilament 44 can be wrapped around the outside surface 30 of stent 20.” Applicants acknowledge the interview conducted with the Examiner on March 2, 2004 and intend the designated remarks herein to serve as a summary of that interview.

Amendments to claim 1 and claim 23 cure the grammatical defects objected to by the Examiner. Removal of the objections is respectfully requested.

Claims 1, 3, 4, 8, 9, 11, 21, 22, 24, 25, 27 and 28 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Brown et al. (WO 98/23228), or alternatively under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. alone. The Examiner stated that “Brown et al. anticipates the claim language where the filament portions are the active agents in carriers (23, 25) of Brown and they are string filaments to the extent this claim language can be given patentable weight.” Applicants maintain, as described in the interview, that elements 23 and 25 of Brown lack properties inherent in a “string” or a “filament” as recited in the current claims. At least one of those properties is manifest by **the ability of the string or filament to be wound around or wrapped about another structure**. Applicants therefore contend that claim 1 and claim 28 are not anticipated by Brown et al. and respectfully request allowance of the claims. Claims 3, 4, 8, 9, 11, 21, 22, 24, 25 and 27 depend from claim 1 and are patentably allowable for at least the same reason.

With respect to the alternative obviousness rejection, Applicants similarly maintain that nothing in Brown et al. even remotely suggests that elements 23 and 25 of Brown et al. should possess the material properties that render them **capable of being wound or wrapped**. With

regard to the Examiner's position that "Applicants have not disclosed that making therapeutic substance release device into a tensile-force capable structure provides some advantage,"

Applicants contend that the written description, particularly at lines 11-13 on page 3, clearly discloses a string or filament that possesses properties distinct from those associated with elements 23 and 25 in Brown et al. The advantages of a string or filament structure are documented throughout the written description, notably from line 13, page 11 to line 16, page 13. Finally, Applicants note that the Examiner conceded in the interview that elements 23 and 25 of Brown et al. do not have the properties of a "string" as conventionally understood. Applicants therefore contend that claim 1 and claim 28 are not rendered obvious by Brown et al. Claims 3, 4, 8, 9, 11, 21, 22, 24, 25 and 27 depend from claim 1 and are patentably allowable for at least the same reason. The Examiner's specific observations regarding the dependent claims do not cure the defects of Brown et al. with regard to independent claim 1. Applicants request reconsideration and allowance of these claims.

Claim 10 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. in view of Fischell et al. (US Patent No. 5,722,984). For the reasons given above, Applicants maintain that claim 1 is patentably allowable over Brown et al. and Fischell et al. do not cure the previously described deficiencies of Brown et al. with respect to claim 1. Accordingly, claim 1 is allowable over the combination of the references. Claim 10 depends from Claim 1 and is allowable for at least the same reason.

Claim 23 has also been rejected as being unpatentable over Brown et al. under 35 U.S.C. § 103(a). Claim 23 recites the limitation of "**an adhesive material,**" which Applicants contend is in no way suggested by Brown et al. Applicants reiterate that **elements 23 and 25 of Brown et al. are not capable of being wound or wrapped.** The Examiner's argument "that it would be prima facie obvious to use an adhesive with or on the drug depot of Brown in order to better

secure it to the stent body” cannot stand in view of this deficiency. There is no basis in Brown et al. for a need to secure elements 23 and 25 to the stent body because of the differences between the properties of elements 23 and 25 and the properties of the string or filament disclosed by Applicants. Further, the alternate grounds for rejecting “adhesively bonding” is inapplicable in view of the limitation of “**an adhesive material.**” Applicants respectfully request allowance of claim 23.

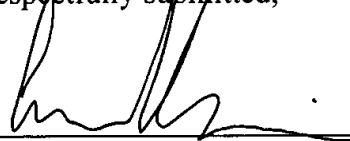
CONCLUSION

Claims 1, 3, 4, 8-11, 21-25, 27-32 are pending. Applicants request withdrawal of the rejections and allowance of the pending claims. The Examiner should call the undersigned attorney of record at (415) 954-0323 if the Examiner has any questions or concerns.

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Respectfully submitted,


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